

SERVICE DATE – LATE RELEASE NOVEMBER 9, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 143X)

**UNION PACIFIC RAILROAD COMPANY—ABANDONMENT AND
DISCONTINUANCE OF TRACKAGE RIGHTS EXEMPTION—IN
WRIGHT, FRANKLIN AND CERRO GORDO COUNTIES, IA**

Decided: November 9, 2005

On February 10, 2000, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for Iowa Trails Council and the Wright County Conservation Board, a county government agency (collectively, ITC), to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for the 12.38-mile line of railroad over the Thornton Industrial Lead (formerly known as the Fort Dodge Branch) from milepost 17.14 near Thornton to milepost 29.52 near Belmond, in Wright, Franklin and Cerro Gordo Counties, IA. The negotiation period was extended several times. The latest extension, granted by decision served on May 13, 2005, is scheduled to expire on November 10, 2005.

By facsimile filed on November 2, 2005, and letter filed on November 7, 2005, ITC seeks an extension of the NITU negotiation period for an additional 6 months. ITC states that it has been unable to finalize negotiations with UP to acquire the land for conversion to a trail for interim use, prior to possible reactivation of rail service, and that additional time is required to conclude these negotiations. On November 3, 2005, UP advised that it is willing to continue to negotiate with ITC for an additional 180 days.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. Under the circumstances, an extension of the negotiating period is warranted and will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the negotiating period will be extended for an additional 180 days from November 10, 2005 (until May 9, 2006).¹

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

- 1. ITC's request to extend the NITU negotiating period is granted.**
- 2. The negotiating period under the NITU is extended to May 9, 2006.**
- 3. This decision is effective on its service date.**

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams
Secretary**